IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 24291 of 2005

Between:

1. Sri Vemulapalli Vishweswara Rao S/o.Satyanarayana
   R/o. H.No.5-5- Kothapalli Village Makoor Mandal
   Nizamabad District.
2. Sri Vemulapalli Ratna Kumari alias Ratnamala,

W/o. Vemulapalli Vishweswara Rao
R/o. H.No.5-5- Kothapalli Village Makoor Mandal
Nizamabad District.

..... PETITIONERS

AND

1. The Mandal Revenue Officer
   Makloor Mandal Nizamabad District.
2. The Revenue Divisional Officer
   Nizamabad District.
3. The District Collector
   Nizamabad District.

.....RESPONDENTS

The Court made the following:

ORDER:

The writ petition is filed for declaring the inaction of the 2nd respondent-Revenue Divisional Officer in not disposing of the appeal filed by the petitioners in File No.A3/374/2005 against the orders dated 31.12.2004 passed by the

Mandal Revenue Officer in proceedings No.D/4842/2002, as arbitrary and illegal.

The case of the petitioners is that the first petitioner is the owner and possessor of the land admeasuring Ac.4.22gts and the 2nd petitioner is the owner and possessor of the land admeasuring Ac.3.14gts and their names have been mutated in the Revenue Records. Thereafter, the first respondent-Mandal Revenue Officer, Makloor Mandal, Nizamabad District, initiated the proceedings in File No.D/4842/2002 cancelling the mutations of the petitioners on the ground that the lands purchased by them are the assigned lands and therefore, they are in possession of the same illegally and directed for resumption of possession of the lands. Aggrieved by the said orders, they preferred appeals before the 2nd respondent-Revenue Divisional Officer, Nizamabad on 17.01.2005, which are pending consideration. Even before disposal of the appeals, the petitioners are being sought to be dispossessed from the lands in question. Hence, the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The learned counsel for the petitioners submits that the lands in question have not been resumed by the Government so far and they themselves have raised the paddy crop in the said lands.

Having regard to the facts and circumstances of the case and in view of the appeals pending before the 2nd respondent, I am not inclined to express any opinion on the merits of the case as to whether the petitioners are the owners and possessors of the lands in question or whether the lands are the assigned lands and whether the petitioners have raised paddy crop in the said lands.

In that view of the matter, I deem it appropriate to direct the 2nd respondent-Revenue Divisional Officer, Nizamabad to consider and dispose of the appeals filed by the petitioners in file No.A3/374/2005 pending before him, if not already

disposed of, within a period of four (4) weeks from the date of receipt of a copy of this order.

It is also made clear that if the lands have already been resumed by the Government, the petitioners have no right to harvest the crop and it is for the 2nd respondent to harvest the same.

Subject to the above observation, the writ petition is disposed of. No costs.

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(V. ESWARAIAH, J)

Date: 14.11.2005

Ksn

Note: Issue C.C. in three days.

B.O.

Ksn